

## REMARKS/ARGUMENTS

Claims 1-38 are pending in the application. The Examiner has rejected claims 1-38. Applicant respectfully requests reconsideration of claims 1-38.

The Examiner has objected to claim 20 because of alleged informalities. Applicant has amended claim 20 in accordance with the Examiner's recommendation. Applicant submits no new matter has been added and the scope of the claim has not changed. Accordingly, Applicant submits the amendment is merely cosmetic. Applicant respectfully requests allowance of claim 20.

The Examiner has rejected claims 1, 2, 4, 17, 20, 21, 23 and 36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over McDysan et al. (U.S. Patent Application Publication 2003/0112755 A1) in view of Oguchi et al. (U.S. Patent Publication No. US 2002/0067725 A1). Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of the cited references do not render obvious the subject matter of claim 1. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "marking packets carrying the Layer-3 control information." While the Examiner states, "McDysan discloses marking packets carrying Layer-3 control information (paragraphs 0037 and 0042, wherein packets are marked with a differentiated services code point (DSCP) value)," Applicant submits none of the cited portions of the cited references appear to teach or suggest, for example, "Layer-3 control information." Moreover, Applicant submits the Examiner's allegation of "which is known in the art as an implementation of 'Layer-3' in the OSI 7-layer Interconnect Model (i.e., the network layer)" does not appear to allege teaching as to, for example, "Layer-3 control information." Moreover, it isn't clear what noun or noun phrase the Examiner is using the word "which" to refer back to in alleging "which is known in the art as an implementation of 'Layer-3' in the OSI 7-layer Interconnect Model (i.e., the network layer)." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claim 1.

Also, Applicant notes paragraph [0042] of the McDysan (US 2003/0112755 A1) reference states, in part, "Marker M0 remarks all packets received at LP-2 110b with DSCP 0000, thus identifying the packets as best-effort traffic." Applicant submits "Marker M0 remarks all packets

received..." fails to disclose or suggest, and teaches away from, "marking packets carrying the Layer-3 control information." Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claim 2, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claim 2. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "...wherein the step of marking further comprises: marking the packets using a unique protocol identifier." While the Examiner cites "(paragraph 0037 and 0042, wherein packets are marked with a three bit differentiated services code point (DSCP) value (e.g., 000, 010, and 101)," Applicant submits the Examiner does not explain how the Examiner considers "a three bit differentiated services code point (DSCP) value (e.g., 000, 010, and 101)" to be "a unique protocol identifier." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claim 2. Therefore, Applicant submits claim 2 is in condition for allowance.

Regarding claim 4, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claim 4. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "applying interface groups to determine when marking of control packets is to be done." While the Examiner cites "(Figure 5 and paragraph 0036, wherein the classifier in the LAN port determines by reference to a classifier table indexed by multiple indices, such as source port and destination port, to determine an interface for communication and to send values to a packet marker)," Applicant submits the alleged teaching of "to send values to a packet marker" does not teach or suggest "...to determine when marking of control packets is to be done." Applicant submits the cited portions of the cited reference do not disclose or suggest "...to determine when marking of control packets is to be done." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claim 4. Therefore, Applicant submits claim 4 is in condition for allowance.

Regarding claims 17, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claim 17. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of encapsulating the packets further comprises: encapsulating the packets according to control encapsulation." While the Examiner cites "(paragraph 0215, Figure 25, wherein a packet containing an IP header)" in the Oguchi reference, Applicant submits the cited portions of the cited reference do not appear to disclose, as an example, "...according to control encapsulation." Thus, Applicant submits the Examiner has not made a *prima*

*facie* showing of obviousness with respect to claim 17. Therefore, Applicant submits claim 17 is in condition for allowance.

Regarding claims 20, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claim 20. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "marking packets carrying the Layer-3 control information." While the Examiner states, "McDysan discloses apparatus comprising a network element (Figure 5, CPE edge router 34 comprising LAN physical ports (60a-60n) and WAN physical ports 64a-64n that further comprise packet classifiers 80 (LAN) and 100 (WAN)) that marks packets carrying Layer-3 control information (paragraphs 0037 and 0042, wherein packets are marked with a differentiated services code point (DSCP) value)," Applicant submits none of the cited portions of the cited references appear to teach or suggest, for example, "Layer-3 control information." Moreover, Applicant submits the Examiner's allegation of "which is known in the art as an implementation of 'Layer-3' in the OSI 7-layer Interconnect Model (i.e., the network layer)" does not appear to allege teaching as to, for example, "Layer-3 control information." Moreover, it isn't clear what noun or noun phrase the Examiner is using the word "which" to refer back to in alleging "which is known in the art as an implementation of 'Layer-3' in the OSI 7-layer Interconnect Model (i.e., the network layer)." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claim 20.

Also, Applicant notes paragraph [0042] of the McDysan (US 2003/0112755 A1) reference states, in part, "Marker M0 remarks all packets received at LP-2 110b with DSCP 0000, thus identifying the packets as best-effort traffic." Applicant submits "Marker M0 remarks all packets received..." fails to disclose or suggest, and teaches away from, "marking packets carrying the Layer-3 control information." Therefore, Applicant submits claim 20 is in condition for allowance.

Regarding claims 21, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claim 21. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of marking further comprises: marking the packets using a unique protocol identifier." While the Examiner cites "(paragraph 0037 and 0042, wherein packets are marked with a three bit differentiated services code point (DSCP) value (e.g., 000, 010, and 101)," Applicant submits the Examiner does not explain how the Examiner considers "a three bit differentiated services code point (DSCP) value (e.g., 000, 010, and 101)" to be "a unique protocol

identifier." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claim 21. Therefore, Applicant submits claim 21 is in condition for allowance.

Regarding claims 23, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claim 23. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "...wherein the network element is further adapted to perform the step of: applying interface groups to determine when marking of control packets is to be done." While the Examiner cites "(Figure 5 and paragraph 0036, wherein the classifier in the LAN port determines by reference to a classifier table indexed by multiple indices, such as source port and destination port, to determine an interface for communication and to send values to a packet marker)," Applicant submits the alleged teaching of "to send values to a packet marker" does not teach or suggest "...to determine when marking of control packets is to be done." Applicant submits the cited portions of the cited reference do not disclose or suggest "...to determine when marking of control packets is to be done." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claim 23. Therefore, Applicant submits claim 23 is in condition for allowance.

Regarding claims 36, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claim 36. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein network element is further adapted to encapsulate the packets according to control encapsulation." While the Examiner cites "(paragraph 0215, Figure 25, wherein a packet containing an IP header)" in the Oguchi reference, Applicant submits the cited portions of the cited reference do not appear to disclose, as an example, "...according to control encapsulation." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claim 36. Therefore, Applicant submits claim 36 is in condition for allowance.

The Examiner has rejected claims 3 and 22 under 35 U.S.C. 103(a) as being unpatentable over McDysan (U.S. Patent Application Publication 2003/0112755 A1) in view of Oguchi (U.S. Patent Publication No. US 2002/0067725 A1) as applied to claims 1 and 20 above, and further in view of Nakamichi et al (U.S. Patent Application Publication US 2002/0085498 A1). Applicant respectfully disagrees.

Regarding claims 3 and 22, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 3 and 22. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "...wherein the step of marking further comprises: marking the packets using a link-local MPLS label." While the Examiner states, "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the link state advertisement disclosed in Nakamichi with the marker/policer disclosed in McDysan, as modified above, in order to allow a node in a communications network to collect traffic information and perform load sharing depending on traffic conditions," Applicant submits "to allow a node in a communications network to collect traffic information and perform load sharing depending on traffic conditions," Applicant submits such rationale would not have motivated one of ordinary skill in the art to combine the alleged teachings of the cited portions of the cited references so as to purportedly yield the subject matter of claims 3 and 22. Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 3 and 22. Therefore, Applicant submits claims 3 and 22 are in condition for allowance.

The Examiner has rejected claims 5-12 and 24-31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over McDysan et al. (U.S. Patent Application Publication 2003/0112755 A1) in view of Oguchi et al. (U.S. Patent Publication No. US 2002/0067725 A1) as applied to claims 4 and 23 above, and further in view of Yu et al. (United States Patent Application Publication US 2004/0010583 A1). Applicant respectfully disagrees.

Regarding claims 5 and 24, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claims 5 and 24. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups further comprises the step of: applying interface groups to packet communications within a particular interface group." While the Examiner cites "(Figure 1, interface group defined between interfaces 'a' and 'd' within network device A)," Applicant submits the block diagram of Figure 1 of the Yu et al. reference does not disclose, as an example, "...the step of: applying interface groups...." As another example, Applicant submits the block diagram of Figure 1 of the Yu et al. reference does not disclose "applying interface groups to packet communications within a particular interface group." Contrary to the Examiner's assertion, Applicant submits "Figure 1" does not appear to disclose "interface group defined between interfaces 'a' and 'd' within network device A." Thus, Applicant

submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 5 and 24. Therefore, Applicant submits claims 5 and 24 are in condition for allowance.

Regarding claims 6 and 25, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 6 and 25. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups to packet communications within a particular interface group further comprises the step of: applying interface groups to packet communications within a backbone interface group." While the Examiner cites "(Figure 4, static tunnel through Internet between network device A and network device B)," Applicant submits the block diagram of Figure 4 of the Yu et al. reference does not disclose or suggest, as an example, "...the step of: applying interface groups to packet communications within a backbone interface group." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 6 and 25. Therefore, Applicant submits claims 6 and 25 are in condition for allowance.

Regarding claims 7 and 26, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 7 and 26. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups to packet communications within a particular interface group further comprises the step of: applying interface groups to packet communications within a customer-specific interface group." While the Examiner cites "(Figure 4, interface 'a' between network device A and Host PC)," Applicant submits the block diagram of Figure 4 of the Yu et al. reference does not disclose or suggest "...the step of: applying interface groups to packet communications within a customer-specific interface group." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 7 and 26. Therefore, Applicant submits claims 7 and 26 are in condition for allowance.

Regarding claims 8 and 27, Applicant submits the cited portions of the cited references do not render obvious the subject matter of claims 8 and 27. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups to packet communications within a particular interface group further comprises the step of: applying interface groups to packet communications within a peer interface group." While the Examiner cites "(Figure 4, static tunnel between network device A and network device D)," Applicant

submits the block diagram of Figure 4 of the Yu et al. reference does not disclose or suggest "...the step of: applying interface groups to packet communications within a peer interface group." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 8 and 27. Therefore, Applicant submits claims 8 and 27 are in condition for allowance.

Regarding claims 9 and 28, Applicant submits the cited portions of the cited references do not render obvious the subject matter of claims 9 and 28. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups further comprises the step of: applying interface groups to packet communications between interface groups." While the Examiner cites "(Figure 4, connections between peer, backbone, and customer networks at network device A)," Applicant submits the block diagram of Figure 4 of the Yu et al. reference does not disclose or suggest "...the step of: applying interface groups to packet communications between interface groups." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 9 and 28. Therefore, Applicant submits claims 9 and 28 are in condition for allowance.

Regarding claims 10 and 29, Applicant submits the cited portions of the cited references do not render obvious the subject matter of claims 10 and 29. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups to packet communications between interface groups further comprises the step of: applying interface groups to packet communications between backbone and customer-specific interface groups." While the Examiner cites "(Figure 4, connections between peer, backbone, and customer networks at network device A)," Applicant submits the block diagram of Figure 4 of the Yu et al. reference does not disclose or suggest "...the step of: applying interface groups to packet communications between backbone and customer-specific interface groups." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 10 and 29. Therefore, Applicant submits claims 10 and 29 are in condition for allowance.

Regarding claims 11 and 30, Applicant submits the cited portions of the cited references do not render obvious the subject matter of claims 11 and 30. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups to packet communications between interface groups further comprises the step of: applying interface groups to packet communications between customer-specific and peer interface groups."

While the Examiner cites "(Figure 4, connections between peer, backbone, and customer networks at network device A)," Applicant submits the block diagram of Figure 4 of the Yu et al. reference does not disclose or suggest "...the step of: applying interface groups to packet communications between customer-specific and peer interface groups." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 11 and 30. Therefore, Applicant submits claims 11 and 30 are in condition for allowance.

Regarding claims 12 and 31, Applicant submits the cited portions of the cited references do not render obvious the subject matter of claims 12 and 31. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups to packet communications between interface groups further comprises the step of: applying interface groups to packet communications between backbone and peer interface groups." While the Examiner cites "(Figure 4, connections between peer, backbone, and customer networks at network device A)," Applicant submits the block diagram of Figure 4 of the Yu et al. reference does not disclose or suggest "...the step of: applying interface groups to packet communications between backbone and peer interface groups." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 12 and 31. Therefore, Applicant submits claims 12 and 31 are in condition for allowance.

The Examiner has rejected claims 13 and 32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over McDysan et al. (U.S. Patent Application Publication 2003/0112755 A1) in view of Oguchi et al. (U.S. Patent Publication No. US 2002/0067725 A1) as applied to claims 4 and 23 above, and further in view of Holden et al. (United States Patent No. 5,802,178). Applicant respectfully disagrees.

Regarding claims 13 and 32, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 13 and 32. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups further comprises the step of: applying interface groups to communication of ICMP packets." While the Examiner cites "(column 20, line 66 – column 21, line 10)," Applicant submits the cited portion of the Holden et al. reference does not disclose or suggest "...the step of: applying interface groups to communication of ICMP packets." Moreover, Applicant has presented arguments as to McDysan not disclosing the subject matter of claims from which claims 13 and 32 depend.

Accordingly, even if an attempt were made to combine the teachings of the Holden reference and the McDysan reference, such an attempted combination would not yield the subject matter of claims 13 and 32. Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 13 and 32. Therefore, Applicant submits claims 13 and 32 are in condition for allowance.

The Examiner has rejected claims 14 and 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over McDysan et al. (U.S. Patent Application Publication 2003/0112755 A1) in view of Ogushi et al. (U.S. Patent Publication No. US 2002/0067725 A1) as applied to claims 4 and 23 above, and further in view of Pan et al. (United States Patent 7,336,615). Applicant respectfully disagrees.

Regarding claims 14 and 33, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 14 and 33. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups further comprises the step of: applying interface groups to communication of ping packets." While the Examiner cites "(column 14, lines 48-55)" of the Pan reference, Applicant submits the cited portion of the Pan reference does not disclose or suggest "...the step of: applying interface groups...." Moreover, Applicant has presented arguments as to McDysan not disclosing the subject matter of claims from which claims 14 and 33 depend. Accordingly, even if an attempt were made to combine the teachings of the Pan reference and the McDysan reference, such an attempted combination would not yield the subject matter of claims 14 and 33. Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 14 and 33. Therefore, Applicant submits claims 14 and 33 are in condition for allowance.

The Examiner has rejected claims 15 and 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over McDysan et al. (U.S. Patent No. 7,046,680) in view of Oguchi et al. (U.S. Patent Publication No. US 2002/0067725 A1) as applied to claims 4 and 23 above, and further in view of Fotedar et al. (United States Patent Application Publication 2004/0085965 A1). Applicant respectfully disagrees.

Regarding claims 15 and 34, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 15 and 34. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface

groups further comprises the step of: applying interface groups to communication of traceroute packets." While the Examiner cites "(paragraph 0011)" of the Fotedar reference, Applicant submits the cited portion of the Fotedar reference does not disclose or suggest "...the step of: applying interface groups...." Moreover, Applicant has presented arguments as to McDysan not disclosing the subject matter of claims from which claims 15 and 34 depend. Accordingly, even if an attempt were made to combine the teachings of the Fotedar reference and the McDysan reference, such an attempted combination would not yield the subject matter of claims 15 and 34. Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 15 and 34. Therefore, Applicant submits claims 15 and 34 are in condition for allowance.

The Examiner has rejected claims 16 and 35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over McDysan et al. (U.S. Patent Application Publication 2003/0112755 A1) in view of Oguchi et al. (U.S. Patent Publication No. US 2002/0067725 A1) as applied to claims 4 and 23 above, and further in view of Tuomenoksa et al. (United States Patent Application Publication 2002/0023210 A1). Applicant respectfully disagrees.

Regarding claims 16 and 35, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 16 and 35. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "wherein the step of applying interface groups further comprises the step of: applying interface groups to communication of packets from Network Operations Center (NOC) hosts." While the Examiner cites "(paragraph 0136)" and "(paragraphs 0141-0143)" of the Tuomenoksa reference, Applicant submits the cited portion of the Tuomenoksa reference does not disclose or suggest "...the step of: applying interface groups...." Moreover, Applicant has presented arguments as to McDysan not disclosing the subject matter of claims from which claims 16 and 35 depend. Accordingly, even if an attempt were made to combine the teachings of the Tuomenoksa reference and the McDysan reference, such an attempted combination would not yield the subject matter of claims 16 and 35. Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 16 and 35. Therefore, Applicant submits claims 16 and 35 are in condition for allowance.

The Examiner has rejected claims 18 and 37 under 35 U.S.C. § 103(a) as allegedly being unpatentable over McDysan et al. (U.S. Patent Application Publication 2003/0112755 A1) in view of

Oguchi et al. (U.S. Patent Publication No. US 2002/0067725 A1) as applied to claims 1 and 20 above, and further in view of Johansson (United States Patent 6,061,330). Applicant respectfully disagrees.

Regarding claims 18 and 37, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 18 and 37. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "receiving unmarked control packets using rate-limited queues." While the Examiner cites "(Figure 1, 116; Figure 4a, 410)" of the Johansson reference, Applicant submits the Examiner does not allege the cited portion of the Johansson reference as disclosing or suggesting "receiving unmarked control packets using rate-limited queues." Rather, Applicant notes the Examiner alleges McDysan discloses "the unmarked control packets (i.e., packets received prior to being marked)" without citing any portion of the McDysan reference as allegedly teaching such subject matter. Moreover, Applicant has presented arguments as to McDysan not disclosing the subject matter of claims from which claims 18 and 37 depend. For example, Applicant submits McDysan fails to disclose "...control packets." Accordingly, even if an attempt were made to combine the teachings of the Johansson reference and the McDysan reference, such an attempted combination would not yield the subject matter of claims 18 and 37. Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 18 and 37. Therefore, Applicant submits claims 18 and 37 are in condition for allowance.

The Examiner has rejected claims 19 and 38 under 35 U.S.C. § 103(a) as allegedly being unpatentable over McDysan et al. (U.S. Patent Application Publication 2003/0112755 A1) in view of Oguchi et al. (U.S. Patent Publication No. US 2002/0067725 A1) as applied to claims 1 and 20 above, and further in view of Hussey et al. (United States Patent Application Publication 2001/0049744 A1). Applicant respectfully disagrees.

Regarding claims 19 and 38, Applicant submits the cited portions of the cited references fail to render obvious the subject matter of claims 19 and 38. As an example, Applicant submits the cited portions of the cited references do not disclose or suggest "receiving the packets as received packets; and processing the received packets at a line rate." While the Examiner cites "(paragraph 0050)" of the Hussey reference, Applicant submits "(paragraph 0050)" of the Hussey reference states, in part, "...receives a packet data stream via the communication network 110 at a line rate...." Applicant submits such teaching does not disclose or suggest "...processing the received packets at a line rate." Moreover, Applicant has presented arguments as to McDysan not disclosing the subject matter of

claims from which claims 19 and 38 depend. Accordingly, even if an attempt were made to combine the teachings of the Johansson reference and the McDysan reference, such an attempted combination would not yield the subject matter of claims 19 and 38. Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 19 and 38. Therefore, Applicant submits claims 19 and 38 are in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

06/18/2010  
Date



Ross D. Snyder, Reg. No. 37,730  
Attorney for Applicant(s)  
Ross D. Snyder & Associates, Inc.  
PO Box 164075  
Austin, Texas 78716-4075  
(512) 347-9223 (phone)  
(512) 347-9224 (fax)